

**MINUTES OF THE
REGULAR BOARD MEETING
OF THE
BROWNS VALLEY IRRIGATION DISTRICT
NOVEMBER 12, 2009**

President Winchester called the regular meeting of the Board of Directors of the Browns Valley Irrigation District to order. Other Directors present were Woods, Bordsen, Lowe and Wheeler. Also in attendance were Manager Cotter and Clerk Powell.

1. Minutes: The Minutes of the October 22, 2009 Regular Board Meeting and the October 20, 2009 Special Board Meeting were approved on a motion by Director Lowe, seconded by Director Wheeler. All ayes, motion passed.

2. Public Forum: None.

3. Finance Committee Report: Directors Wheeler and Winchester reported that they had reviewed the October financial records and found everything to be in order. Director Wheeler, seconded by Director Woods, moved to approve the October Financial Report. All ayes, motion passed.

4. Collins Lake Drought Update: No action taken.

5. ACWA Policy Actions: No action taken.

6. Delivery of Water to Miller Parcel: No action taken.

7. Manager's Report:

Collins Lake:

Current elevation is 1,137.4 ft, which is 45.6 ft below spill. This amounts to 27% of storage with 13,350 Acre Feet of usable supplies. The Generator is off with releases of 1.02 cfs. Last year on this date the elevation was 1,127.2 ft, which is 55.8 ft below spill (16% or 7,900 Acre Feet). The Generator was off with releases of 1.02 cfs.

Staff Activities:

Randy Hurlbut returned to work on November 12th from the August 4th workers comp. injury.

5370 Marysville Road:

We are now in escrow for the purchase of this property. The Bank has pumped the septic tank and tested the well at 15 gpm. We may be able to close escrow in the next few weeks.

Air Quality and the Dump Truck:

We have been notified that by the end of this year we will be required to install an approved particulate trap on the dump truck. Our only other options include stop

using the truck, or sell the truck outside of California, or face fines from the Air Resources Board. The cost to install the filter is expected to be at least \$15,000.

2010 Water Transfers:

The Bureau of Reclamation is looking to purchase water for 2010 on behalf of its water contractors, south of Delta. To that end, they are requesting an upper limits amount of water potential sellers might be willing to make available. So far, there has been no mention of a purchase price for the transferred water.

RD1644 Settlement/Dismissal:

Last week BKS received (from the San Joaquin Superior Court) a file-stamped copy of the request for dismissal that was filed to dismiss our claims in the RD-1644 litigation under the settlement with the State Water Board. (It has a file stamp of May 7, 2009.). BKS will now send, to the parties in the case, a notice of the Court's entry of the dismissal. This mailing will trigger a 15-day window in which other parties can claim costs (not attorney fees) from BVID. Ryan Bezerra believes that the odds that anyone will file a claim for costs are quite low, especially because BVID and the State Water Board agreed to bear their own costs in the settlement.

Peoria Pipeline:

The pipeline crossing of Bald Mountain Road occurred on Halloween and now all of the 18" pipe for this phase is installed (8,075'). There is a small 8" branch line (450') to install along with the 5-way manifold with valves yet to be installed. Then we will do the final cleanup and this phase will be complete.

Meetings:

Past:

- 10-26-09 Director Winchester and I attended the Accord Member Unit meeting at YCWA.
- 10-29-09 I attended the Reclamation District 108 Solar Project open house in Grimes.
- 11-12-09 Finance Committee (Directors Wheeler and Winchester) met to review the October bills.

Future:

- 11-13-09 Meeting with Joan Maher (Santa Clara VWD) in Davis concerning future water transfers.
- 11-13-09 NCWA Communications Committee meeting in Richvale.
- 11-16-09 History Committee (Directors Bordsen and Woods) meeting.
- 11-17-09 SWRCB Hearing concerning the Grant for the Dry Creek Recapture Project, in Sacramento.
- 11-18-09 Yuba IRWMP meeting in Marysville.
- 11-18-09 Ag Water Management Council meeting in Sacramento.

Projects:

Past:

1. Rebuilt the rear axle on the 1991 Ford dually one ton truck due to a broken carrier housing.

2. Cleared trees from a section of the Browns Valley Main ditch.
3. Repaired the Bonanza pump.
4. Weatherized the District pumps.
5. Tony, Scott, Kevin, Ken, and Dan installed the Peoria Phase 2 pipeline across Bald Mountain Road on Saturday 10-31-09.
6. Repaired a wharf valve that was hit by a vehicle along Dolan Harding Road.
7. Repaired two leaks on the Hill Road pipeline.

Future:

1. Complete the Peoria Pipeline Phase 2.
2. Begin replacing the pipe at the head of the Sicard ditch.
3. Return to the Hill Road pipeline for more auditing.
4. Spot spray weather permitting.
5. Finish setting the District up for winter.

8. Collins Lake Recreation Area- Consider Semi-Annual Report 2008-2009 First Half and Consider 2009 Rate Schedule: Director Winchester, seconded by Director Woods, moved to approve both the Semi-Annual Report 2008-2009 First Half and the 2009 Rate Schedule. All ayes, motion passed.

7. Correspondence:

- Letter to Senate President Pro Tempore Darrell Steinberg regarding Water Right Issues with SB 68 from Attorney Bartkiewicz.
- Letter to Senate President Pro Tempore Darrell Steinberg and Asembly person Karen Bass regarding Water Right Issues with SB 68 from Manager Cotter.
-

8. Adjournment: There being no further business before the Board, President Winchester adjourned the meeting.